

Remarks

Upon entry of the instant amendment, Claims 1-6, 12-15 and 28-31 are pending. Claims 1 and 28 have been amended to more particularly point out the Applicant's invention. It is respectfully submitted that the application is in condition for allowance.

Claim Objections

Claim 1 has been amended as suggested by the Examiner in Paragraph 2 of the Detailed Action. Accordingly, this objection should be overcome. Accordingly, The Examiner is respectfully requested to reconsider and withdraw this objection.

Claim Rejections- 35 USC § 112

Claim 1-6, 12-15 and 28-31 have been rejected under 35 USC § 112, second paragraph for allegedly failing to particularly point out the applicant's invention. Claim 1 has been amended to overcome this rejection. Accordingly, The Examiner is respectfully requested to reconsider and withdraw this rejection.

Claim Rejections- 35 USC § 103

Claims 28-31 have been rejected as being unpatentable over Thorson US Patent No. 6,101,225 ("the Thorson patent") in view of Horiguchi et al US Patent No. 6,133,791 ("the Horiguchi et al patent") and further in view of Stover US Patent No. 3,755,741 ("the Stover patent"). It is respectfully submitted that none of the cited references, either singly or in combination, disclose or suggest the inventions recited in the claims. In particular, the Applicant agrees that neither the Thorson or Horiguchi et al patents disclose modulation of a signal with a pseudorandom code and its inverse. The Stover patent was cited for teaching modulation of signal with a pseudorandom code and its inverse. However, it is clear that Stover teaches modulation of the same carrier signal with a pseudorandom code and its inverse to cancel out effects of a test signal. As such, it is respectfully submitted that the Stover patent teaches away from the invention. More specifically, the claims recite modulating a first local oscillator signal with a pseudorandom code wherein the modulated signal is applied to a first mixer. The claims also

recite inverse modulating a second , i.e different, local oscillator signal with an inverse pseudorandom code .

The configuration recited in the claims is not the same as the configuration taught by the Stover. In Stover, the object is to cancel the modulation. In the claims at issue, the object is not to cancel the modulation signal but rather noise. For all of the above reasons, the Examiner is respectfully requested to reconsider and withdraw this rejection.

REMARKS/ARGUMENTS

Upon entry of the instant amendment, claims 1-6, 8-15 and 28-32 are pending. Claims 7-11 and 16-27 have been previously cancelled. Claims 1 and 28 have been amended to more particularly point out the applicants invention. It is respectfully submitted that the application is in condition for allowance.

CLAIM REJECTIONS – 35 U.S.C. § 102

Claims 1 and 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Thorson US Patent No 6,101,225 (“the Thorson patent”) in view of the Horiguchi et al US Patent No. 6,133,791 (“the Horiguchi et al patent”). It is respectfully submitted that claim 1, as well as the newly-added dependent claims 2-8, define patentable subject matter over the reference; “the design of a resourceable and retargetable binary translator,” by Cifuentes, et al., Six Working Conference on Reverse Engineering, October 6, 1999. It is respectfully submitted that the reference article does not disclose or suggest a binary translator system that is able to disable selected legacy instructions and replace the legacy instructions with native instructions. This capability allows the binary translator to optimize the program by taking advantage of more efficient native processor instructions and features, when available, and allow portions of the legacy binary code to be disabled and native instructions to be added without modification of the legacy binary code. This feature is not disclosed or suggested anywhere in the reference. Accordingly, it is respectfully submitted that claim 1, as amended, as well as the newly-added dependent claims 2-8, define patentable subject matter over the reference.

For these reasons and the above reasons, the Examiner is respectfully requested to reconsider and withdraw this rejection.

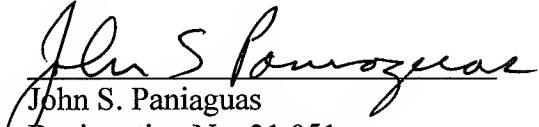
CONCLUSION

The Examiner is respectfully requested to requested to provide favorable consideration of the pending claims base upon the instant amendment and the remarks above.

Respectfully submitted,

KATTEN MUCHIN ROSENMAN LLP

By:


John S. Paniaguas
Registration No. 31,051
Attorney for Applicant(s)

Katten Muchin Rosenman LLP
2900 K Street, NW
Suite 200
Washington, DC 20007-5118
(312) 902-5200
(312) 902-1061
Customer No.: 27160